

804 KAR 1:030. Prohibited alcoholic beverage advertisements.

RELATES TO: KRS 244.130

STATUTORY AUTHORITY: KRS 241.060(1), 244.130(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 244.060(1) authorizes the board to promulgate administrative regulations regarding matters over which the board has jurisdiction. KRS 244.130 authorizes the board to prohibit alcoholic beverage advertising practices by administrative regulations. This administrative regulation prohibits certain advertising relating to alcoholic beverages.

Section 1. Prohibited Advertising. An advertisement for any alcoholic beverage shall not:

- (1) Be false or misleading;
- (2) Disparage, slander, or libel a competitor's product;
- (3) Be obscene or indecent;
- (4) Represent the alcoholic beverage is produced, brewed, distilled, blended, made, bottled, or sold under or in accordance with any municipal, state, or federal authorization, law, or regulation; and if a municipal, state, or federal permit number is stated, such permit number shall not be accompanied by any additional statement relating thereto;
- (5) Contain representations about an alcoholic beverage brand or product which is inconsistent with any label statement;
- (6) Represent that the use of any alcoholic beverage has curative properties, therapeutic effects, good health benefits, weight reducing effects, muscle growth effects, or any other like representation if the representation is untrue in any particular or tends to create a misleading impression;
- (7) Advertise two (2) or more different alcoholic beverage brands or products in one (1) advertisement if the advertisement tends to create the impression that a representation made as to one (1) brand or product applies to the other;
- (8) Relate to or be capable of being construed as relating to the armed forces;
- (9) Depict any flag, seal, coat of arms, crest, or other insignia, which is likely to mislead a consumer to believe that the product has been endorsed, made, used by, produced for, or under the supervision or approval of the government, organization, family, or individual with whom such flag, seal, coat of arms, crest, or insignia is associated;
- (10) Use the terms "free" or "complimentary" alcoholic beverages, or any other terms, which imply or suggest giveaways of alcoholic beverages unless the statement references permissible manufacturer or wholesaler coupons or limited samples that the licensee is authorized to serve under a license held;
- (11) Use the phrase "all-you-can-drink", "unlimited drinks", or any other phrase or terms that imply or suggest that a consumer will receive an unlimited number of alcoholic beverage drinks upon payment of a fee;
- (12) Take any action, directly or indirectly, to target minors in the advertising, promotion, or marketing of alcoholic beverage products, or take any action the primary purpose of which is to initiate, maintain, or increase the incidence of minor consumption of alcoholic beverages;
- (13) Offer or describe a product, service, or activity, that is prohibited by Kentucky law; or
- (14) Be prohibited by Federal law. (ABC 1:31; 1 Ky.R. 51; eff. 10-2-1974; 8 Ky.R. 198; eff. 12-2-1981; 45 Ky.R. 2672; eff. 4-5-2019.)